International merger review convergence

The end of the line, or a bend in the rails?

Jonas Koponen

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EU: Informal poll results

> Huge leaps forward over the past decade
  > a “system” characterised by procedural and substantive convergence and referrals to agencies “best placed”
> Few “revolving doors”, and those that do revolve turn one way
> “Progress” with side effects
  > increased sophistication drives complexity, why not simplicity?
  > evidentiary standard and timelines fixed, why not info needs?
> how move from “form filling” to “solving issues?”
And the world keeps turning …

> This is a great toolbox, you should have one too!
> The relative significance of the European economy will change
> Bombay, Beijing, e.g., least as important as Bonn or Brussels
> Giant leaps for convergence platforms and instruments
> For example the ICN: 16 to 123 members
> Rich work product from collaborative efforts
> Expanding network of agreements
> Case collaboration
> But is this enough to improve policy and enforcement standards?

Some challenges ahead

> Are merger review goals and enforcement philosophies aligned?
> Are resources appropriate to make the “systems” operate effectively?
> Staffing, competing priorities, practitioners
> What can “soft law” achieve in a world of decentralised enforcement?
> Can effective investigative techniques be adapted and transposed?
> How to promote transparency and predictability?
Not simply two-way communication